

OK. Let the record show that it is 1:52 PM on March 9, 2010, and this public hearing is being held at the Moses Lake fire department located at 701 E 3<sup>rd</sup> Avenue in Moses Lake, Washington. The primary purpose of this hearing is to receive public comments regarding the issuance of the draft aquatic mosquito NPDES general permit. The legal notice of this public hearing was published in the Washington State Register, Issue number 10-03-093. Ecology also directly notified the following interested parties. Mosquito Control Districts, statewide local health departments, State Department of Health, State Departments of Agriculture and Fish and Wildlife, the Toxics Coalition, commercial applicators and environmental interests. In addition, information about the permit issuance, public workshop and hearing date were posted on Ecology's website and public calendar.

When I call your name, please come down and have a seat and please state your name and your address and if you are representing anybody, who you're representing and please provide your comments for the record. We have several people who've indicated they'd like to testify, so I'm going to give you five minutes to present your testimony, but I guarantee you probably won't use that much. Five minutes is an awfully long time to talk. So, if at the end, you didn't get all your comments captured, then I'll allow you to come back and provide more.

So, at this point in time, Mr. Ron Montgomery, if you'd like to come here and have a seat, sir.

My name is Ron Montgomery. I'm live at 3452 South Dennis Street, Kennewick, Washington. I am the executive director of the Northwest Mosquito and Vector Control Association. And, I would like to provide comments on the draft permit for aquatic mosquito control.

I've been involved in mosquito control for 26 years and I have some concerns about the restrictions that would impact not only the economy of Washingtonians but their health as well. The mosquito control districts in Washington State have a long and proud legacy of providing a valued service that not only protects the health of the citizens they represent but it improves the quality of life. The permit as I read it will not allow the discharge of adulticides for nuisance mosquito control within a proximity of waters of the state where that drift could enter the water. It also includes drainages that lead to waters of the state, which I believe would effectively eliminate all nuisance mosquito control for adult mosquitoes. In the neighborhood I live in, as subdivision called Shadow Run, where I paid a lot of money for a very nice house, every storm drain is clearly marked that it leads to a creek and just recently within the last two weeks, very nice blue signs have popped up on each one, saying "only rain in the drain." If a mosquito control application were to be made on my street, it would clearly enter the drain. Therefore it would cause deposition into one of these tributaries into waters of the state. I am also concerned with the notion that you should wait until you have human and animal disease before you respond to a mosquito control operation. Mosquito control is in the business of preventing disease, not reacting to it. I'm not aware of any state in the country that has this level of restrictions on mosquito control. It was explained to me at this meeting that the Department of Ecology currently permits the release of toxins in the waters of the state under the current permits, which number in the thousands. My comments are, why will they not allow incidental drifts of pesticides that would be no different than any other toxin that potentially could impact fish. I'm concerned that they have not weighed the science on this subject and that this impact would be detrimental to thousands of Washingtonians. In conclusion, I think that Ecology needs to start over with their permit, engage the mosquito control professionals, look at the science behind mosquito control, and start fresh. I believe the goals of Ecology and the goals of mosquito control are compatible. But, they have to sit down and find some common ground. And, eliminating mosquito control for adult nuisance mosquitoes is not going to work. Thank you.

Thank you.

OK. Levi Meesburg.

My name is Levi Meesburg. 8198 Highway 262 SE, Othello, Washington. Our family has owned and operated Mardon Resort for the past 38 years. We're located 16 miles southwest of Moses Lake on the

west end of O'Sullivan Dam, which is the dam that holds up potholes reservoir. Just below the dam, which is 3 ½ miles long, there are over 70 seep lakes. These lakes are not included in any mosquito control district. This area is owned partially by the State of Washington and the rest of it is the Department of the Interior, federal. Because this area is not in a mosquito control district, there is no way to control the level, whether it be adult or juvenile mosquitoes. Our area is a destination resort community. In a five mile radius, you will find Potholes State Park, Mardon Resort, Potholes Reservoir Golf Resort, the Last Resort, and O'Sullivan's Sportsman's Resort. Additionally, there is about 2000 plus homes in a subdivision area called Marine View Heights. Frenchmen Hills Estates, Greg Mobile Home Park, and Sun Desert Senior Park.. The golf resort also has 154 deeded park model lots, so in addition to the tourists who frequent the state park and the resorts in the area, there are also a number of permanent residents.

Our local mosquito control board does an amazing job with their larvacide programs, but it is not sufficient to meet the needs of our areas. Even with their jobs well done, mosquitoes escape and attack our guests. Many will get refunds, leave early due to mosquitoes, as was evident last year with them having some issues with their plane (?), which kinda gave us an understanding of what we're looking at if this goes through as you guys are planning. 72% of our guests are from the Puget Sound area. We can't imagine what our daily life would be without being able to spray for adult mosquitoes. Tourism will definitely be affected in a very noticeable and negative way. We have a three to four month mosquito season. This also falls at our busy time in our summer season. We don't get a second chance. This will be like another nail in the coffin to our seasonal businesses. The recession has already done some stuff and this will improve the threat. The underlying concern here is really health, though. The tourists won't come for fear of this, the residents won't come out of their homes for fear of that – and no one wants to be exposed to West Nile virus and encephalitis. There have been documented cases in Central Washington to humans and many cases in livestock. We do not want to see the area go back to the good old days when the mosquitoes were known as our state bird. We would really like you to look at the tourism and mainly at the health issues when making a decision on this permit. Thank you.

Thank you.

OK. Mary Thorne?

My name is Mary Thorne. I live at 6997 Beacon Lane NE in Moses Lake. I work as a Realtor in Moses Lake for almost 20 years. And, I want you to know that I am a grandmother. I'm a mother. I'm a wife. I'm a daughter and I'm also the first human to contact West Nile virus in Grant County. And, I want you to know what that did to me. Last year, I was very ill. It was found, diagnosed, actually detected through the inland northwest bloodbank, where I like to donate blood. Once you have West Nile virus, they don't want your blood anymore until you're over it, which I still do not believe after 8 months I have fully recovered. The effects of West Nile virus are severe headaches when you tilt your head one way or the other, it feels like your brain is crashing against your skull, which in essence it is, because your brain is swollen from the virus. You have a severe stiff neck, you have severe muscle tenderness where you can hardly stand to touch your own skin. That continues today. You have tremors. There were several days when I went to work to try to answer emails and I could not even keep my hands on the keyboard. I don't know what kind of mosquito bit me. I'm not a mosquito person. It wasn't a larva, I'm pretty sure. I don't know if it was a vector mosquito or just a pesky mosquito. I just know I was in my own backyard and I was made very, very ill. I still consider myself fortunate because I wasn't the grandmother in Yakima who died from this disease and I wasn't the wine-grower in Tri Cities who's still trying to recover from paralysis from this disease.

And, my concern for being here today is for the health and well-being of every person in my community and every person in this room and outside who doesn't want the mosquito spraying to stop. We have animals – it's going to affect our outdoor recreation, our camping, our boating, our fishing, our golf, our barbeques in the summertime. Even more is our economy. It's been touched on some. The tourism will

suffer, real estate will suffer. Agriculture – I think DOE needs to be thinking about where their food comes from and the people who have to work in the fields to bring that food to the store. We don't work in the cubicle all day and go to the store or go to the restaurant for dinner every night. We have to grow the food in the field to supply the people with food. The people that work in the irrigation district outside along with other things that affect our tourism. Our Grant County Fair, our baseball games, our tournaments that people come to here, the farmer's market, the concerts and movies in the park. All of the things that the people in our community have worked so hard to develop and make it a wonderful place to live is going to be affected if we're not allowed to spray these mosquitoes.

The disease will spread. It went from three documented cases in 2008 to 32 documented cases in 2009. The thing to note about that is a lot of people can get this virus and don't know they're sick. But, the 32 that did know they were sick, 80% of those people were severely sick. Severely. And, it's only going to get more, if we don't spray. Mosquitoes get the virus from the bird and then they come and bite you and you've got to spray those mosquitoes that are out there flying around. I don't know what else I could say that would affect any of this outcome, except that I believe that if this goes through, it's really an injustice. It's irresponsible to the health of the people who live here in Grant County and the other places where mosquito control is needed. OK. Thank you.

Thank you.

Carl Weber?

OK.

I'm Carl Weber. I live at 3010 W Peninsula Drive. Moses Lake. Out on the peninsula. And, I don't have any particular ox to gore here but I'm allergic to mosquitoes and they make me sick and if there's a mosquito within 10 miles, the little bastard will find me. And, being on the peninsula, all the mosquitoes that are escaped from the potholes find us over there. And, I believe that the city and the local people can do a better job of controlling this than the state. Because, by the time the state finds out that somebody has been sickened or a horse dies or whatever, it's way too late. Because by the time the gears in Olympia get grinding, you're going to have all kinds of people sick and all kinds of horses and people dying. I just don't believe this is good for the local area. I've been through a lot of things. I've lived through the days of asbestos, DDT, agent orange, and I don't want to die from mosquitoes.

Thank you.

OK. Linda Shampiri

I'm Linda Shampiri. I live at 7037 Highway 262 SE, #114, Othello Washington. That is on the potholes golf course. I made several calls last week to a block watch that we have in our particular area. I got a turnout of over 80 people that showed up out of concern for this. Unfortunately, there's a lot of them that could not show up today because they work. It's one o'clock. The time was one o'clock Tuesday afternoon, March 9<sup>th</sup>. Working people can't attend sessions. As it is right now, I believe there's at least 200 people here during the week that will testify that our mosquito problem is horrendous. We can not afford economically to have the mosquitoes and we can't afford it as a person and being sick.

Thank you.

OK. Sam Worsham.

Hi. My name is Sam Worsham. I manage the potholes store at 6897 HWY 262 SE, Othello. And, I'd like to talk a little bit about last year. In January of 2009, I went to a buying show, where I by all my product I sell throughout the store throughout the year. At the show they had a really cheap price on Cutter bug spray, the cheapest I've seen in years. So, I bought a 2 year supply. In June, the airplane that sprays for mosquito in our area was broke – at least the story I got. And, we definitely got a taste of what life would be like without that. In the three week period, the mosquitoes became so bad I sold out of my two year supply of bug spray and had to order more. Customers were coming in the store, buying three or

four cans at a time plus citronella candles and mosquito sticks. That would happen on Friday night when they arrived for their weekend camping trip. By Saturday the same people would come in buying pop and water for their return trip home because they couldn't take the mosquitoes any more. At night the mosquitoes were so bad that in my store my employees would have to spray down with bug spray just to get through their shift. We tried all the old wives' tales to keep them out. Vinegar on the door, pledge on the doors, rubbing down in dryer sheets, bug sprays. Needless to say, nothing worked. When the plane finally went back to spraying, life became enjoyable again. But, not spraying for mosquitoes, you will not only affect our lifestyle, but our livelihood. The survival of our business greatly depends on tourism in the area. Without people enjoying all that this part of Grant County has to offer, our business will not survive. So, my question to the DOE is, will they reimburse us for the loss of revenue the lack of spraying will create.

Thank you.

Thank you so much.

Renny Cubic.

(It's OK – I've been called worse.)

My name is Renny Cubic. I live at 1008 NE, 27<sup>th</sup> Ct. Vancouver Washington. I also am a landlord out of Ritzville. It's 3 1/2 miles north on the Suco Road, which my brother farms, and I help him. And, I'm currently the senior technical representative for AMVAC Environmental Products. And, we're the makers of Malik (or if you want the common name, I'll use Dibrom concentrate. Our regulatory folks, we had a conference call this morning. We are preparing a document which I'll have to you before the 17<sup>th</sup> and it will come probably from John Wood, who is the head of our regulatory affairs. OK. Just a couple of comments on the product and then I'll make a couple comments on being proactive rather than reactive. First of all, Malik's been around for five decades. And, it's unique in the fact that it's specific to flies and mosquitoes, including nuisance mosquitoes. And, it's very safe around beneficial insects. There's a lot of data. You can go to the US Army data and look at that. And, it has a great safety record. The reason is, that once you spray it in the evening, it's basically gone the next morning. There's no toxicity to fish. That's been well documented by the EPA as a safety product. That includes all human life, environment and wild life. And, if you use the proper rate, by label that the vector people use, there's no fish toxicity. That's a real plus on it.

OK. Under true IMP or IMM, you need to have products that are available and not restricted. Because, what happens if you don't it, you give up resistance quite readily (????) You just take some of the people that have used different products, you need to rotate, and that includes our product. There's no doubt about it. And lastly, we're here to support anybody and any of the end users, I'll be here for a while outside if they have any questions. I'd be happy to answer that. And, as far as a couple comments about being proactive, a few years ago, the state of Idaho was reactive instead of proactive. They ended up with the most cases of West Nile Virus in the US and more horses that died and they had the most human cases, because they were reactive. You want to be proactive, and the state of Idaho is a good example of that. And, lastly, on the beneficial insects, there's a lot of data there showing that if you only use half to one ounce of Dibrom concentrate, it's specific to mosquitoes, the higher rates for flies, and it leaves most other of the insects. That's what's important about the product.

Thank you for your time.

OK, thank you so much.

Ted Sleek?

My name's Ted Sleek. My address is 1214 Vista Ventura, San Clemente California. I'm basically here to represent one of the manufacturers, Centralized Sciences, that is doing work as far as trying to come out with new products for the mosquito control industry. I think one of the – I think we all know that the

cost of bringing out new products is very, very expensive. Getting registered with the EPA, getting registered with different states, etc. We did bring out this new product, and our hope was to bring out something that was better, because most manufacturers don't want to bring out me-too products. Especially to spend all the money to develop all these new products. So, by better, we mean we want better control and we also – any good manufacturer's looking at the environment too, because they think this is a very, very important aspect of marketing any new product. We have our new product called **EDOFENPROX** or **Zenevex**. It is presently registered in this state – I mean in the United States – it's presently registered in the state of Washington. I think the major thing I want to point out is that we're coming here with hopefully some new things we can bring to the table. First of all, one of the things we are bringing is some new chemistry. It's a synthetic **pyrethroid**, but it's a unique synthetic **pyrethroid** that has a different chemical makeup than the previous **estroprepyrethroids**. Difference primarily being that it's basically a carbon/hydrogen/oxygen molecule. And for those chemists in the crowd, they know **that this is** a relatively clean molecules. This has helped with skin sensitivity and respiratory problems that often come with some of the regular synthetic **pyrethroids**. I think that the other thing that we try to bring to the table is less toxic. LD50 **Pyrethrun**, which is presently on the list as an accepted product has 1500 milligrams per kilo. This product has an LD50 of greater than 43000 milligrams per kilo. So, we're bringing a product that really has a significant difference as far as the LD50. The other thing we like to bring to the table, which we think is very important here on the west coast – I live in California, I know it's a big issue down there as well as up here – is the fact that PBO is synergist. PBO is a good product but it is a synergist of different types of pyrethroids. There's a question about it building up into the sediments and streams. We brought this product out and it does not have any PBO in it. It's the only synthetic pyrethroid on the market that does not have this. So, with this we feel we are bringing some new things to the table. That's why I'm here. I notice that whenever the draft report came out there were four different synthetic pyrethroids listed that would be approved. OK. And our product was not on the approved list. We'd like you to take a look at that. We figure that's probably because it's a new product. We'd like you to take a look at that. If you have any questions about that we have a very strong scientific department that can answer any questions you have for it. But, I think the major thing I would like to point out is the fact that we're bringing a new, reduced risk pesticide to the market that can add to the overall program. Thank you.

Thank you very much.

Kenneth Upton?

Oh, OK.

Rich and/or Rose Dorsett?

My name is Rich Dorsett. I live at 1901 S Wilgas Rd, Prosser Washington. Few points I'd like to share with you is: we happen to live at the crossroads of Old Inland Empire highway and South Wilgas. Within slightly over half a mile we have one of the most concentrated collection sites for West Nile. They refer to it as Mad Cow, if you check the Benton County Mosquito Control. The second collection site for mosquitoes for testing is at the Grandview sewage lagoons. Also an extremely toxic collection site of West Nile positive mosquitoes. I had an opportunity to go down and visit with folks at Benton County Mosquito Control and they were kind enough to put a map together for me of our – we have a small cow calf operation out in the country, a couple of miles outside of Prosser. We've really enjoyed – and of all the government services that we enjoy – the mosquito control is one of the services I feel we've really gotten bang for the buck. I really see them doing something for us. I really appreciate police, roads, etc, but you know they have been very faithful as a mosquito control district when we needed spraying. And, really that's made our place tolerable. We happen to live on a fairly large basalt bank. We have a lot of surface water due to the fact that Sunnyside Valley irrigation district has their main canal about  $\frac{3}{4}$  of a mile north of us and they have severe leakage. It's an unlined ditch. So, we have lots of surface water. As a result of it, Benton County mosquito control has really made our home pleasant – a

place we can have quality of life. We have 7 children, 7 grandchildren. We can have family outings, we can do sports, we can do our work around the farm. As a community, a quality life issue is also very important. Prosser's economically quality of life issue. We're a wine industry area. Port of Benton has put millions of dollars along with private investors into developing our wine industry there. I can't imagine why folks would want to come to our area to be eaten by nuisance mosquitoes and possibly poisoned – and it could lead to death, for someone at my age, at 60 years with West Nile. So, it's a quality of life issue. It's a safety issue. It's an economic issue. What I'm really fearful of long term is I think this could lead to the end of our mosquito control districts.

I grew up in Prosser. My wife did, my kids are 4<sup>th</sup> generation Prosserites. We know what it is like for some of the other folks who've shared with you. We know what mosquitoes are like. They're nothing like they used to be. If we kill off the mosquito control districts, these are going to become very difficult areas to live in. We're not going to be able to have the quality of life that we currently have. I guess one of the comments I'd like to make is, do we need this permit? I heard another participant here earlier say do we really need the clean water permit, considering the amount of spray that we're using? Also, I'd like to encourage you folks. Hold meetings with our mosquito control districts. I understand we have 16 of them around the state. 13 of them are in Eastern Washington. Go to the professionals. Let the professionals be professionals. Let them do their job. They're trained. They're licensed. Let them do their job. I'd like you also to go back, and if you can, consider the comments that were made during the presentation. I heard many, many good comments made and I certainly hope you take those into consideration along with the recordings. Also, I would encourage you in the future you go through this process, let's have some more hearings around the state. This is a big issue. It's a quality of life issue. It's a safety issue. Let's take time to let folks have input. Thank you very much.

Thank you.

Roger Krug

(checking tape)

My name is Roger Krug. Address: I have two addresses. The address I work at is 425 E Main, Othello Washington. Or, 2000 Murphy Road, Pasco, Washington. I hold a Washington State Pesticide license private applicator and commercial consultant and one of the things I want to say there is we're taught to be pro-active rather than reactive or you wouldn't have any food or your food may be available but at a very high cost. What concerned me is West Equine encephalitis. And, St. Louis encephalitis. St. Louis encephalitis had an outbreak in the Yakima Valley in 1939 to 1942, where over two hundred people were infected. I happen to know one of those people. He was a college graduate and after he had the viral encephalitis he was incapable of even caring for himself. And so – but they killed that with DDT, which we can't use anymore. In 1952, we started spraying in the area where I was raised at, Connell Washington. Mosquitoes were at such a level that we couldn't live outside during the summer – picnics or anything 'til they started spraying. There's roughly 900 thousand acres of Columbia Basin project and the Odessa Sub, that all have little potholes. And, even though the mosquito districts do a great job, they do not have the possibility to eliminate all those small larva before they become adults. I believe in proactive not reactive. And, we have had mosquitoes here for two weeks – adults – and that's the first stage of going back in the mosquito cycle. West Nile is here but we've had St. Louis and Western equine way before – way back. So, you can look at these deals – I won't give you this but you can take the guidance for surveillance, prevention and control of mosquito born disease, 2008 edition by Washington State University and the Washington State Department of Health and it says prevention through partnerships, and I hope we develop some partnerships.

Thank you.

Thank you.

OK. Woody Trevy,

My name is Woody Trevy. I live at 906 Frenchman Hills Rd. We're about 7 miles west of the Mardon resort. And, we have a horse breeding operation in that particular location. Now, what we can do is vaccinate our horses for the West Nile, and we do that, often twice a year. But, you can't do that for people. And, my wife is one person who has a very weak immune system. And, we have guests that come to our facilities. We often show them horses and take them for rides. And, those folks also are, for their own comfort, generally will come in the morning or in the evening when it's a little cool – not in the heat of the day. And, it's usually in the morning and the evening when the adult mosquitoes are out. And, I think again that the mosquito control district does a very good job of spraying in our area. They generally are spraying for larval mosquitoes. I'd like to see them be more aggressive spraying for adult mosquitoes.

And, also, I think it's real important that as DOE works on this issue, that they really, really take it serious. I get the impression that by listening to the presentation and reading what I have is that you see your job is to try and regulate or throttle back the use and the application of chemicals. I think you really need to think a little bit about is, you need to work with these mosquito control districts and give them the opportunity to aggressively attack these mosquitoes, and have them do their job. One observation that I've made is that in the area that I live, out along Frenchman Hills wasteway, over the course of the past several years, the aquatic vegetation – these big cattails and **tulies, a lot of fragmites** has really restricted access to the open water in that country. There's still just hundreds of acres of wet ground out there. But, years ago, it used to be 25-30% vegetation and the rest of it open water. Now it's about 25% open water and the rest of it is tall vegetation. I have the impression that it's very difficult for their larvacides to be really effective.

And, we notice that in the evening. And so, the only opportunity they have to really stay on top of the mosquitoes is to attack both larval and the adult phase. And, the other thing that really doesn't have much to do with your permit, but I think this is important for everyone to recognize, is that I think most of the mosquitoes out in that particular part of the country are coming from state and federal lands. And, the way the boundaries are drawn on the mosquito control district, there's all kinds of areas out there, I know to the west of Dogson Rd they can't spray. The wind is usually coming out of the west so if they do spray, the mosquitoes are blowing right back into the district again. The same type of situation down below the O'Sullivan Dam – they're not spraying there on that big federal refuge. And, I would think if you could give these districts the opportunity to be more aggressive in controlling mosquitoes, expand the area that they can operate in and give them every tool that's practical. They're licensed applicators. They know what they're doing.

And, I would just feel a whole lot more comfortable if I felt that as you were going about writing your permit conditions, you were really in a huddle with practical people who know how to do their job and you're trying to help them do their job and avoid this concern about the third party lawsuits rather than sitting in your little office cubicles reading some kind of literature and then writing a bunch of permit conditions from that. I just don't see how that fits with the real world that we live in. That's really what I have to say, and I appreciate it.

Thank you.

Arlene Warner?

She left.

Ralph Kincade?

No?

Fred LeGalt.

(checking tape)

End of tape side A

### Side B

Fred LeGalt. 1217 Fairway Drive, Moses Lake. I've been a resident of Moses Lake for 40 years. Without mosquito control, I probably wouldn't live here. We cannot control mosquitoes with larvicides alone. We need adulticides. We do need to address the problems of standing water and non populous areas. I don't know how an airplane can fly over and fly past a 6 foot pond lane out there. First of all, they cannot see it. Secondly that does not end up in the rivers, lakes or streams. I do think the Department of Ecology is – this is as much a political thing as it is a permit thing. I think that maybe you're trying to avoid the lawsuit from Department of EPA and put the onus on the mosquito districts, which is an impossibility for the citizens of Grant County to withstand. We need to expand mosquito districts, not eliminate them. We also need to have them use the products of choice, which is not a hindrance or danger to the fish or the birds. With that being said, I think the Department of Ecology was ill-prepared for this meeting. There was not enough room for the people that were here. I think it was done on a Tuesday afternoon. It should have been done when more of the public could have been here. And, I also think that they have done their scientific work to issue this permit if needed. Thank you.

OK.

Mr. LeGalt is the last person who indicated they wanted to give testimony so at this point in time, I'd like to ask if there is anyone else who would like talk.

Yes Sir. And you name is...

My name is Brian W. Banner.

Fine, Mr. Banner.

Yes. My name is Brian W. Banner. My work address is 2601 North Capital Avenue in Pasco, Washington. My home address is 10305 Chapel Hill Blvd, Apt. 1005, Pasco Washington, 99301.

A couple of things I would like to add. For on record. Under nuisance mosquito control adulticides and their residues must not be discharged in waters of the state. One thing I'd like to do is clarify the "waters of the state" and I think that should be a definition to prohibit discharge to navigatable water bodies rather than every standing water source being waters of the state. Nuisance mosquito control is also proactive mosquito control, is essential for public health, quality of life, recreation, economic, and also in our county and district, agricultural (?????) (tape count 24).

My next question is: If it's alright for incidental deposition in water to control vector mosquitoes, why isn't it alright to control nuisance mosquitoes? Also, we have – in the permit, we cannot adulticide for vector control mosquitoes until we've reached the trigger for adulticiding at alert level 3. Alert level 3 requires sustained virus in a population of mosquitoes. We cannot wait to determine if the virus is sustained. When the virus is detected in mosquito populations, after we have completed our source reductions, our mosquito larvaciding, the next step in our IPM plan is to use adulticiding. We have to be very proactive and not reactive to ensure that mosquito adulticiding is not needed on a wide scale measure. Mosquitoes do fly and they'll spread disease throughout the district if we do not deal with them proactively.

Another thing I wanted to mention, too. With the problems that mosquito districts have, in doing mosquito larvacide. One of the biggest problems we have is habitat management and modifications. Federal land, state land, private land and privately funded federally funded wetlands are not being managed and maintained. The wetlands are overgrown, they're choked with dead vegetation, and it does not allow for mosquito control materials to enter the water to kill the mosquito larvae that are present.

Before they become flying and biting adults. So, that leaves us with one alternative and only one. That's to use adulticides, to spray for the mosquitoes that are coming off those waters and under the definition that's presently in the DOE, even those are waters of the state. And, that's it. Thanks you.

Thank you, sir.

OK.

And your name is:

My name is Dennis Gunnerson. 2605 S. Fruitland, Kennewick Washington. Last September, I contacted West Nile virus at Hanford, in Benton County. I developed encephalitis and spent approximately 3 weeks in the hospital, in which I do not remember much of what went on. I told them that I was my brother-in-law, and that we were in Denver, and I don't know a lot of what happened. Another month in physical therapy. The week I got out of the hospital, a woman in Yakima County died from West Nile virus. I returned to work in January after being out 4 months on short term disability. I still have lingering effects, which include numbness in my right arm and a plugged head and head pressures. These will hopefully someday go away, as I was told. It often takes about a year for most people to recover and return to work. I read some neurological conditions never go away. I was told by the infectious disease doctor I could still be infected with West Nile virus, so I'll be wearing mosquito repellent when I'm out during mosquito season. For that reason, I'm not concerned about myself, I'm concerned for my fellow statesmen who are not aware of the hazards that are in our area. There was a dramatic rise in West Nile virus cases in 2009. Before 2009, there were 6 human cases of West Nile virus in the state of Washington. In 2009, there were 37 human cases. Before 2009, there were 56 cases of horses or other mammals. 2009, there were 73 cases of horses and other mammals. With the mild winter we're having, the amount of mosquitoes could be a lot worse in 2010. Statistically, approximately 80% of humans that contact West Nile have no symptoms. 20% have flu like symptoms for one to two weeks and less than 1% develop encephalitis, meningitis, paralysis or death. The bad news is that a large number of people in our state are still susceptible to developing bad symptoms. And, will at a minimum be out of work for 4 months to a year and at worst may become a fatality. Lives are more important than costs, but lost work days for 20% who have flu like symptoms could be significant costs to the companies and the state of Washington. Tourism will decrease significantly because of nuisance mosquitoes which will have a significant cost effect on the state. As you might expect, I have some passion about this, and I decided I'd do everything possible to keep the fatalities from occurring. I do not want to read in the paper that someone has died from West Nile virus. \_\_\_\_\_ A severe reduction in mosquito control will most likely lead to severe increase in West Nile cases in our state. I urge the DOE to change the permit to read "the permittee is authorized to discharge incidental amounts of adulticides and their residues to waters of the state for nuisance and vector mosquito control. Thank you.

Thank you.

OK. Anyone else. Gentleman in the back, and then you're next. OK.

Hello.

John Jenson. 10331 Rd 6 SE, Moses Lake, Washington.

I wanted to say that it's unfortunate that a lot of people are leaving and did not testify because of the group that we did have here.

First of all, I would like to say I was reading through the permit. It was interesting that you now give – are granting us permission to spray in areas of wildlife – the wildlife areas not acknowledged that we could spray in in the past. We were not allowed to. But – I found that interesting. Also, that the wildlife is able to reinstate once again, the limitation on pyr – one chemical, I can't remember the name of it, which, has been proven many times that it does not affect the frog. But, because of one biologist in the Fish & Game, they are allowed to stop using it as a larvacide. I'd like to reference the clean water act. I

do have my notes finally – it's 122.42.5, A, B, and C, which establishes the criteria for pesticides in the water. I find it appalling that those mathematical equations of the amount that we are applying have not been calculated to see if we actually fit under the clean water act. Most people spraying pesticide on themselves known as OFF and then getting in the water have more pesticide in their body going into the water than the pesticide we're spraying per acre. Also, that the negative effects have not been taken into consideration on the permit as established by the clean water act. The exposure data to humans has not been . . . and the fact that has been brought up earlier . . . the small amounts we're using are not detrimental to fish. That science has not been researched before writing this permit.

And, I also wanted to address the best management practices. I've been working with the pesticide industry. The best management practices, when you're controlling by larvacide, as we are here, adults you still do not control 100%, nor \_\_\_\_\_ out of the area it's possible around, so adults are going to be exposed. And, by allowing those to continue and by not controlling those you are establishing an opportunity for resistance to build in the species, which is not a best management practice. And also, that by limiting the pesticides that can be used to do this, since there is no biological activity, you are creating sites that are only affected on certain parts of the nervous system which creates a resistance factor also.

The other statement I had was that in making recommendations here, it did not appear that you had a professional from USDA or somebody that is licensed to look at those recommendations, which is a state law, and so you would be in violation of a state law.

And, this plain statement that where I live, the nuisance mosquitoes, when it affects your livelihood, being able to work outside that needs to be taken into effect. Not only just for when you're having a party or something outside, but when you're not able to do your job outside, that living on the outside of the district, the adult mosquitoes which are not treated in a non-district area are able to blow in, very easily overnight. And, if we are not able to control those with adulticides, we will have mosquitoes continually and will not be protected. As one person stated, we should collect 100 of them, which would be very easy, and take them to the Department of Ecology's office and turn them loose and let you guys deal with it.

Thank you.

OK. Anyone else? Yes.

Oh, I'm sorry, sir. I took this lady first. I apologize. And then you're next.

I'm Barbara H. Osburn. I live at 14646 Rd K NE, Moses Lake. Zip code is 98837.

I'm part of a farm family who live in block 40, a farming area out of the Columbia Basin Project. I've lived in Moses Lake for 62 years. I'm one of the original supporters of the Mosquito Control district. And, the urgency to have the district was because a baby who lived just three miles south of me succumbed a bite of an infectious mosquito. At that time it was a \_\_\_\_\_ that was prevalent, which still is, plus now we have the West Nile virus mosquito. She was diagnosed with sleeping sickness. At that time she wasn't old enough to crawl, she was just learning to sit up. All of that mental development ended. Her body grew and she was institutionalized for seventeen years and died in her early 20s. That was a fearful thing. Complicating the issue, to the west and southwest of us was federal and state land. And, there were just normal potholes there. And, we know that mosquitoes go on the air on wind, 40 to 80 miles, and so that was a complication of the issue. We vaccinate our children when they're small, for measles and whooping cough and other things, and as adults we try to take care of our health with flu shots and immunizations as we need. Well, there's no vaccine for the disease from a mosquito bite. And, we know that spraying the larva and the adult mosquitoes is our only protection. And, we know even then that it is not 100% protection. So, I beg the department, as they're issuing this new permit, to allow as a preventative measure to spray the larva and adult mosquitoes and let the mosquito controls through their districts do their jobs for our health. And, I also want to end with the comment. It is how about changing the third party suit issue, so that isn't such a dominating and scary effect. Thank you.

Thank you.

OK, Sir?

Yes. My name is Lou McCullough. I live at 809 Camas, Moses Lake Washington.

I'd just like to talk a little bit about the hearing process itself. Today there were probably 5 or 600 people that could not get into this meeting. And, their sentiments were very well explained by the people who did testify this afternoon, but for every person that testified, there were probably 20 to 100 more people that would have said the same thing and had other stories to tell. Anyone who's lived in the basin for a lifetime, like I have, knows someone who's had encephalitis or West Nile. And, the quality of life in the basin and in the Yakima Valley would be entirely different without mosquito control boards or districts. I think the Department of Ecology needs to go back, shut this whole issue down, frankly as a citizen of the state of Washington and the United States, we're pretty darn tired of this kind of bureaucracy coming at us daily, weekly on this kind of an issue and many, many others, and we're getting tired of it and it's time for the bureaucrats to back off. Thank you.

OK. Anyone else?

Yes ma'am, and then the gentleman in front of her next, OK?

Hello. I'm Angela Balant. I live at 2100 Belareeve Drive, Apt. 112, Richland Washington. I'm also the manager of the Benton County Mosquito Control District, and authorized to represent the mosquito control districts of Washington for the Northwest Mosquito and Vector Control Association. There's just a few things that I wanted to add, beyond our written comments that we will be submitting. A couple of things with the nuisance mosquito control. It's been said that we can spray nuisance mosquitos as long as we don't get pesticides into the water. We've looked in Benton County at some of our areas that are all nuisance mosquitoes where we get the most concerned callers from and there's no way that we could protect these areas and get effective control without getting residues in the water. Therefore, we would not be able to send out trucks or airplanes in order to control these areas. In the summer, we can get up to 70 calls a day requesting mosquito spraying. People don't tend their requests spraying for vector mosquitoes because they are not aggressive. These calls are strictly nuisance controls. Typically we can respond to these calls, get them on a spray route within a day or two and as you can see the public is very happy with the response of the mosquito control districts. If this would go into effect, we would have to tell them that we are not permitted to spray near water, since the majority of these people live along rivers or along canals because that is where the mosquitoes are the thickest and where they are coming from. It is my opinion that there is no such thing as a terrestrial application for mosquitoes based on the equipment and the areas that we need to provide control. It has also been brought up that we need to reach a Department of Health response plan level 3 in order to show that the mosquitoes that we are spraying for are vector mosquitoes. This requires sustained mosquito positives. Level number 2 has sporadic positives for mosquitoes. So, as you can see, even if we get some positives, they're still sporadic, it could only be a level two we'd need to get to a level 3 and have sustained virus. I'm not sure what the meaning of sustained is, or what that would constitute, but I've seen some correspondence come back from the Department of Ecology that was telling people that the turnaround time between when we get a positive disease test, by the time we can turn around and do spraying for those vectors, is two hours of time. Which is incorrect. There is the time that it takes to collect the dry ice, go set up the trap, the trap then runs for usually 12 hours from 6 pm to 6 am. The trap is collected, the mosquitoes are sorted into species. I we do not get enough of the species, for the vector species, we might not have enough for a pool in order to get a good test result. So, we would have to wait 'til we had enough of those numbers of those mosquitoes to create a pool. And then go through the two hour sampling process – or testing process the department was explaining. Then, you have your public notification time and then you would wait until dusk, and when the mosquitoes are most active to do the spraying. So, my estimation for the

shortest time period would be about 28 hours response. And, that is if the test results that we are getting internally are positive. Some programs cannot do internal testing. They are then sent to the state and until Washington State does pay for that testing, they go to Oregon State at the district's expense. I spoke to the people in Oregon State and they said they do testing a couple of times a week, so they try to turn those tests around in one to three days but if they're backed up that could take longer so you're talking another one to three days to get those confirmed test results back before you can organize spraying. In certain cases we have had to do aerial applications because we have limited ground access. It was brought up again that a lot of our lands – we have army Corps of Engineers land that is not maintained. We cannot make new roads in these areas in order to get our spray trucks ground units through and so we have had to make aerial applications which are effective, but again those have a thousand foot spray swath and we cannot avoid getting residue in the water for these areas. I've provided a map if I can submit that, of an area in Benton County. It's the deltas, where the Yakima and the Columbia River meet. This is our main nuisance mosquito area so we don't get many vector mosquitoes out of this but as a lot of nuisance and the main calls that we get in June. We've outlined the canals and the waterways through this area. I've also outlined the roads that we have access to with ground units. And then we have placed a 300 foot buffer around the water and the reason there's a 300 ft. buffer is that our spray trucks put out chemicals for 300 feet. Because of the small droplet size, the chemical drifts 300 ft. away from the vehicle. So, in order to keep the residue out of the water, we would have to put a three hundred foot buffer around all surface waters of the state under the current permit. So, with that 300 foot buffer, if you'll see on the map there is very limited road access for what we can do on the ground, again, leading to an aerial application which, under the current permit, would not be allowed because of the residue issue. Thank you.

Thank you.

OK, is there anyone else?

I'm losing track here.

My name is Dave Insoonza. I live at 65 Snake River Drive, in Burbank, Washington. I'm also the manager of the Columbia Mosquito Control District and have submitted written comments as well. But, there are a few things I'd like to touch on. Number 1, they spoke earlier about the permit being needed. And, if that is the case, then that is fine, but the permit in its current form is too restrictive. It does not need to be as restrictive as it is. Asking professionals and if you are asking professionals like you are saying you're asking professionals, there is everybody from the state of Washington right here that's telling you that this permit needs work. It is not OK the way it is written. So, if you want to ask the professionals in a different setting to where we can actually work on the permit together, I think that would be a great idea. The alert level 3 is way too late to begin adult control. You're definitely being reactive instead of proactive and it is entirely too late at that point. Some of the things that I've noticed is that I think needs to be out of the permit, is nuisance mosquitoes needs to be taken out of the permit. Nuisance mosquitoes, like has been said over again in our area definitely affects the quality of life, economic, social, every aspect of what the voters have voted in in the mosquito control district in the first place. And, you are taking that away from what voters have already voted in that are telling you that they want in this state, in those areas. Eliminate the use of waters from the state from the permit. Waters of the state is so restrictive, like people have said, and like Angela just said, that they say that you're saying that you're allowing spraying for nuisance mosquitoes as long as it doesn't get in waters of the state, but with the definitions of waters of the state that's not feasible and it's really not even possible. So, it's just a copout, saying that you can spray, just don't get it in waters of the state, because you can't. There's not much area that can be treated that way.

A proposed language would be adulticides used for nuisance and vector mosquito control must be applied consistent with the product labeling. The permittee is authorized to discharge incidental amounts of residue into waters of the state during mosquito season. Another current language that's in the permit: a

permittee that is in organized mosquito control under district chapter 17.29 RCW may use adulticides to control mosquitoes provided it conducts mosquito control of vectors. Surveillance, mosquito disease testing monitors and disease indicators such as dead birds with the alert level 3. And, I touched on this again: a proposed language would be “a permittee that is in an organized mosquito control district under chapter 17.28 RCW (which, might I add, again, that the people have voted in these mosquito control districts. They want this coverage. That is why they voted it in under 17.28 RCW) may use adulticides to control vector and nuisance mosquitoes provided it is part of an integrated pest management plan. That is much better wording. And, it allows you to control mosquitoes as people want them controlled. And, they need to be controlled.

#5. Eliminate the following restriction from the permit. Permittee may use malathion [REDACTED] in case of documented pyrethroid resistance development in specific vector mosquito populations. You just take that out. There’s no reason for it. There’s no scientific background for it and it doesn’t need to be in the permit. The mosquito control districts – we share your concerns with protecting the environment and the public, domestic animals and wildlife’s health and safety. But, you need to take the proper steps to control these mosquitoes and under this current permit, it is not possible. So, once again, not saying we definitely don’t need a permit, but the permit needs work. The wording in it definitely needs changed, and all these people wouldn’t be here stating their opinions today if the mosquito control permit were written about the mosquito control professionals and Department of Ecology working together. Not just Department of Ecology. Thank you.

And, you’ve already submitted your written comments?

I have.

Thank you.

OK, anyone else?

Gary Brindle?

Pat Voss?

Doreen McGraw?

Are there other people outside?

OK.

OK. At this point in time, I think what I will do is give you a little bit of information so you understand what Ecology’s process is, and then I will temporarily stop the hearing and then at 5 o’clock we’ll be doing this again for the folks who left and will be coming back and we’ll start the hearing up again and get their comments.

All the testimony that’s presented at the hearings, this one and the one we’ll be holding later, as well as written comments received, are part of the official record for this proposal. And, whether it’s in writing or whether it’s oral doesn’t matter, it receives equal weight in the decision making process. The public comment period ends on March 17, 2010. Written comments must be received no later than 5 pm on March 17<sup>th</sup>. Please submit written comments to Jonathan Jennings, Department of Ecology, PO Box 47600, Olympia, Washington, 98504-7600. Comments may be submitted via email to [jonathanjennings@ecy.wa.gov](mailto:jonathanjennings@ecy.wa.gov). Comments may also be faxed to Jonathan, and the fax number is 360-407-6426. And please be very careful when you dial that number, because my phone number is one digit off, and the screaming of that fax line drives me crazy. All the oral and written comments received during the public comment period will be responded to in a document that we call the Response to Comments Summary. That document will state Ecology’s official position on the issues and the concerns that have been raised. That document will automatically be mailed out to anyone who provided oral or written testimony. It will also be posted on Ecology’s webpage. If you would like a copy and are not able to

access the webpage, give us a call and we will make darn sure that we get it printed off and sent to you. Ecology right now, and this is subject to change, but right now Ecology is expecting to issue this permit sometime in May. It could become effective 31 days after the permit issuance. If Ecology believes that the the comments received in writing or in the oral testimony could substantially change the scope or the conditions within this draft permit, another public notice of drafted comment period may be necessary, which would delay in issuing the permit coverage. The ultimate decision on whether or not this permit gets issued will be made by the water quality program manager, Kelly Sussewind. On behalf of the Department of Ecology, thank you so much for coming to our public hearing. I apologize for the size of the room, but the next time we're out here, we'll certainly know a whole heck of a lot better and we'll make sure we're in a larger location. But, thank you for your patience and thank you for your courtesy and your consideration. Right now, this hearing is temporarily adjourned at 3:09 PM. Thank you.

#### NEXT HEARING

This is Bev Poston with the Department of Ecology and we're doing "Take 2" with our Mosquito Control Permit Public Hearing. And, at this point in time we have Mick Hanson who has indicated he would like to provide testimony. Please come on in, sit down. State your name and address for the record. Go ahead and begin.

My name is Mick Hanson. I live at 1828 Fairway Drive, Moses Lake.

I've been a resident of Moses Lake pretty much all my life. Back when I was a teenager, My dad had a farm and I would say at that point in time we did not have a mosquito control. I can remember out irrigating at that time and having swarms of mosquitoes over my head that I'd swing the shovel at. And, to no avail. You start trying to run away from them, you couldn't get away from them. They weren't quite as big as the mosquito on the screen there but they were awful close to it. And, I came here tonight hoping to beat on somebody for even the thought of taking away our control on the adult mosquitoes. But, it sounds like we're all pretty much in agreement here and I'd like to say that anybody that is against this, they need to come over here and let us work on them. Thank you.

Thank you.

And, I apologize if I say names wrong – I'm very bad with names.

I think this is Richard Hanson.

My name is Richard Hanson. I live at 6526 Road 1.9 NE Moses Lake. And, I'd just like to state that we already have evidence of West Nile disease here and we do not have evidence of the organisms living in the water that are suffering from this spray, so I would say that give the human beings the benefit of the doubt until we see some evidence from the other side. That's about it.

OK.

Thank you.

Todd Voth.

My name is Todd Voth. I live at 1538 Lakeway Drive, Moses Lake. I've resided in Moses Lake for 43 years. I've fished and I've hunted on pretty much every corner of this lake for my whole life. I've never seen any indication of any aquatic life damage or upland bird damage. I currently live on the lake and I know how important mosquito spraying is with regard to larva and adult mosquitoes. I urge the Department of Ecology to take into consideration and ask our mosquito control board questions on how they feel the mosquitoes in our area – not just Grant County but \_\_\_\_\_

(END OF TAPE)

## TAPE 2

The livelihood and the quality of life that the individuals in Moses Lake live now require the spraying that the mosquito control board currently does and I am in favor of that.

Thank you.

OK, thank you.

Bill Ekret?

Hi, my name is Bill Ekret. I live at 1524 S. James Avenue in Moses Lake. I've lived here for 51 years and I'm representing not only myself as deputy mayor for the city of Moses Lake, I'm representing Vision 2020, which is a local group here in town that also promotes business and tourism in our area. It's made up of business leaders and individuals that want to improve the quality of life here in Moses Lake, make Moses Lake a better place to live. It's the group's feeling, it's my feeling as an individual that waiting until disease is present to spray the adult mosquitoes is waiting too long. We feel that's too late. We also feel that you should be able to spray nuisance mosquitoes on the surface of the water, according to you handouts you can't. According to your presentation, you can't. And, we're afraid it's going to affect the quality of life and the economy in our city and affect basic tourism and the way people are able to spend their day on golf courses and parks anywhere in our city and our county. Thank you.

Thank you.

Frank LaGuna?

My name's Frank LaGuna. I live at 6946 El Camino, Othello, Washington. Got back from Iraq recently. Over in Iraq, they pretty much have idea what mosquito control is. I've seen days where swarms – looked like something out of a bad horror movie, those animals and insects. I've lived in a place where their idea of garbage control was burning every night. If they do this and the environmentalists come after us, we need to let the politicians over in Olympia we will back them 100%. I like this plan. I hope it goes through. That's it.

OK, thank you.

DL Kirmell. Dr?

I knew I was going to slaughter this one.

Hello. I'm David Kirmell, MD. I'm medical director at the Moses Lake Clinic. I am on the Grant County Health Board of Directors, Health District Board of Directors, I'm also a city councilman here in Moses Lake, and I reside at 4020 Lake Shore Drive, which means I do live on the lake and have a continual mosquito problem all summer long. Sometimes have to take our activities indoors because we can't stay outside because the nuisance mosquitoes, as you call them. But, from a medical standpoint, I think we are aware that we have had cases of West Nile virus in Grant County and I think it's short sighted of any government entity, whether it be state government or federal government to say that someone has to get ill, and possibly very ill, not to mention the expense involved, before we can spray for vector mosquitoes. I'd also like to reiterate what Bill Ekret said, which is that we have tourism as our second biggest industry in Moses Lake after agriculture. And, all it's going to take is one case of West Nile virus for people to say we're not going to go to Moses Lake because we don't want our kids to get West Nile virus. And, we're already seeing a decrease because of the economy in receipts that we get from taxes and motel taxes, etc., that go to the city, simply because of the economy. And, you add one case of West Nile virus that we now have to wait for, I think it's going to hurt the city a great deal.

OK, thank you, sir.

OK. Nancy P \_\_\_\_ I don't know if this is a yes or a no. A no.

OK. Robert McDonald? No? OK.

And, I'm not sure – Diane Jones, I'm not sure if this is a yes or a no. OK

I'm Diane Jones. I reside at 11735 Baseline East. And, I just want to reiterate that whatever is needed, we need to be able to treat. Our mosquito district does an excellent job of taking care of our mosquitoes. And, anything that impedes their job is ridiculous. We don't need to be waiting for people to get sick to treat a problem that we can prevent. I don't see a problem with our lake – we're preventing their problem and allowing people to get sick, and that's pretty ridiculous. So, those who think otherwise need to pay the consequences of allowing us to fix our own problems.

OK, at this point, nobody else has indicated on the sheets that they wanted to provide testimony, so I'm opening it up to anybody, at this point in time, who didn't say anything, would like to come up and say something?

There was a little confusion this morning.

I'm Darryl Welch. I live at 11819 Nelson Road. I'm a farmer. And, we have been farming here for 45 years. I used to be a spray pilot also. And, I know what wind can do in controlling the mosquitoes. This nuisance mosquitoes vs. the other is – a mosquito is a mosquito. We need to be able to use what it needs to control the West Nile virus or the mosquito which transmits it. Encephalitis also. It's a health issue now, it's not a swat issue, it's a health issue. And, we need to be able to do whatever the mosquito district sees fit to do. Within realms. I mean – We can spray the whole county with ULD malathion, they haven't seen that for 25 years. I just wanted to make that comment. I think the whole thing got off on the wrong foot. And, that's with advertising. You people came to really help us and I think most people thought you were doing the opposite.

Yeah, we all did.

There's miscommunication there. OK

OK, thank you so much.

OK, is there anyone else who would like to provide testimony?

I would like to have one last comment.

Oh, I guess I'll let you do that.

This is Mick Hanson again. 1828 Fairway Drive, Moses Lake. I mentioned that I've been here pretty much all my life and how bad the mosquitoes were. Before the mosquito control actually came in here, we had what they called sleeping sickness, which was very common back in those days. One of my personal friends even came down with it. And, I think if you go back and look in the records, before mosquito control started, you'd be surprised how many cases of sleeping sickness there actually was between the animals and between the people. And, I think this is something that could reoccur if you start trying to leave the nuisance mosquitoes out here. Thank you.

OK. Is there anyone else?

OK. Hi!

Hi, I was here this afternoon and there wasn't room. I understand that the people out there whose testimony given wasn't entered. But, I heard a lot of good information.

The people outside? The company had a good conversation. There was really good information out there.

My name is Pete Stadenrouse. I live at 226 West Moses(???) Vista Drive, here in Moses Lake. Moved here in 1955, so I'm familiar with the mosquito problem. In terms of disease, I remember when I grew up, polio was a serious thing. A very serious thing. Younger people may not remember it. And, I had a

small school in south central Washington where we had a couple incidents of that. And, that was terrifying. And, when I think about waiting too long, I think what if we didn't have the Sauk vaccine when we were dealing with something like polio, which is actually more prevalent than West Nile, would we be considering all these little delays and waits to determine whether we should spray live mosquitoes. I think if you saw somebody in a heart and lung machine, you'd probably want to expedite it. And, then you look at – back then we had DDT. And then, we've gone, escalated – instead of up, we've gone down in toxicity of the chemicals we're spraying. And, we keep mitigating and trying to make them less toxic. Now, we have things that we can spray in the house, we spray them on our dogs, we spray them on our pets and yet we don't have evidently one single thing out there, they're all insecticides, that we can spray to kill a mosquito that won't hurt the water. And, I find that hard to believe you can spray stuff in your kitchen, you can buy it off the shelves, you can spray your pets directly. It seems that there should be something out there rather than something just a blanket prohibition against it.

And, one of the things I heard today, that was – I don't know if it was discussed here, but they were talking about not being able to spray with the foggers and airplanes. You could – some said you could and some said you couldn't. And, they had a meeting a week ago where they said that would not be allowed anymore. But we had a fellow here from Benton County and he gave a good presentation. And, one of the things I worry about is, you have buffer zones if you're using a fogging machine of 300 feet, and maybe 1000 feet with an airplane, and how this came about is if there's mosquitoes, they're usually around water, somewhere close. So they said, because of these buffers, a lot of these areas are within the proximity of the lake. So, even though you were saying it just pertained to applying it on the water, because of the buffer zones, this would be going through neighborhoods, maybe along our walking trails, or the Macaugh (???) Park or other areas and using hand machines or foggers, so we wouldn't be able to spray them even away from the lake. Even though just a portion of that might drift over.

And another thing, I was talking to Kevin afterwards and he said they had a meeting early on with mosquito districts, but at the time a lot of these things hadn't been publicized. They weren't aware of them. And, what I would ask, specifically out of this, is that before these rules are finalized, that you contact representatives from every mosquito district and from the health departments in the counties and maybe have a meeting here in eastern Washington, where you're coming over, so we don't have all those people going over there, and get their insight as to what came down out of these meetings and what you've garnered from them. And, they're the feet on the ground. They know what has to be done. They deal with mosquitoes. One of the things that Kevin mentioned was the fact that once you - you have to test for these, which they're doing. Once they find them, they have to have the state lab test them. Then, if they determine that there is a sickness, then you have to contact the health department which then contacts the next agency up and up and up. And, these jumping through loops could cause two to three weeks delays and that there should be some local control, local decision making, so that once they isolate this thing and find out there's a problem, that we don't have to jump through a bunch of bureaucracy and hoops to get something done. I did learn one thing. We do need this. Because without it we can't spray at all. But, we need to be able to use this in our neighborhoods. We need to be able to expedite treatment immediately if we see it. And, have local control and maybe if there's a case of this . . . we had a guy out there that had it, was off work two months, and somebody else died. So, if we've had that, we should bring it – consider that the next year and maybe be proactive.

I've talked a long time, but I would urge that you meet with these people before you finalize anything, because they know what they're doing.

Thank you.

OK, is there anyone else who would like to provide testimony?

OK.

All the testimony that was presented at this testimony, as well as the hearing that we had earlier today, and any written comments received are part of the written record for this proposal and they receive equal weight in the decision making process. The public comment period ends on March 17, 2010. Written comments must be received no later than 5 o'clock pm on March 17<sup>th</sup>. Written comments should be submitted to Jonathan Jennings, Department of Ecology, PO Box 47600, Olympia, Washington, 98504-7600. You may also email your comments to Jonathan and his email address is [jonathanjennings@ecy.wa.gov](mailto:jonathanjennings@ecy.wa.gov). You may also fax your comments to Jonathan, and the fax number is 360-407-6426. And please be careful when you dial that number, because my phone number is one digit off, I absolutely love picking up the phone and hearing the screeching fax, and there's not a darn thing I can do to help you. So, all the oral and written comments received during the public comment period are going to be responded to in a document called the Response to Comments Summary. That document will state Ecology's official position on the issues and the concerns that have been raised during this process. That document will automatically be mailed out to anyone who provided oral or written testimony. It will also be posted on Ecology's webpage. If you do not have access to a computer and you can't download it off your computer and you would like a copy if you contact us we will make a copy and send it to you. Ecology is expecting to issue this permit sometime in May. It would become effective 31 days after the permit issuance. If Ecology believes comments received in writing or in the oral testimony could substantially change the scope or the conditions within the original draft permit, we may have to do another public notice of draft and comment period and it could delay the issuance of the permit coverage. The ultimate decision on whether or not this permit gets issued will be made by the water quality program manager, Kelly Sussewind, who is the Water Quality program manager.

On behalf of the Department of Ecology, thank you so much for your patience and understanding and attending our workshop and hearing. And, this hearing is now closed at 6:24 PM. Thank you.